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ATTORNEY FOR DEFENDANT

MARY WINIARSKI	:	IN THE UNITED STATES
	:	STATES DISTRICT COURT
vs.	:	FOR THE EASTERN DISTRICT
	:	OF PENNSYLVANIA
AMERICAN AIRLINES, INC., et al.	:	
	:	
	:	NO. 02-2675

PRE-TRIAL MEMORANDUM OF DEFENDANT, AMERICAN AIRLINES, INC.
PURSUANT TO LOCAL RULE 16.1(c)

I. DEFENDANT'S COUNTER STATEMENT OF FACTS

Plaintiff contends that she was a passenger on an American Airlines flight to London on September 15, 2000. She contends that when the aircraft arrived in London she was opening the overhead baggage compartment and an item fell out and struck her in the face causing her to fall back in her seat.

Upon her return to the United States from a two week trip to Europe, plaintiff complained of multiple physical problems resulting from the incident including facial pain, headaches, cervical pain and low back pain. She was treated by a number of healthcare providers. However, none of her complaints appear to be amenable to traditional imaging techniques such as an MRI or CT scan.

Plaintiff was examined by a neurologist physician at the Hospital of the University of Pennsylvania in May 2001. The physician found plaintiff's physical examination unremarkable with a normal MRI, and recommended that plaintiff have a neuropsychic evaluation to assess

plaintiff's cognitive complaints.

Plaintiff subsequently was examined by a neuropsychologist, recommended by plaintiff's counsel, Dr. Gordon. Dr. Gordon administered testing and expressed the opinion that plaintiff was experiencing neurocognitive difficulties.

On May 14, 2003 plaintiff was examined by the defense neuropsychologist, Dr. Thomas Sacchetti, Ph.D. Dr. Sacchetti interviewed plaintiff for her history and administered to her several psychological tests. In addition he reviewed plaintiff's medical legal records.

Dr. Sacchetti determined that plaintiff is currently functioning in an average range of overall intelligence, and there is no diminution from her pre-accident levels. Further he found that plaintiff's brain functions were well within normal limits and that she has no organically based deficits in brain functioning as a result of the accident. It is his opinion that plaintiff is capable of performing her prior occupation as a shoe salesperson. In addition, Dr. Sacchetti noted that plaintiff has a histrionic personality disorder. A copy of Dr. Sacchetti's report and curriculum vitae is attached as exhibit "A".

II. ESTIMATED DAYS FOR TRIAL

Four (4) days.

III. SPECIAL COMMENTS RELATING TO LEGAL ISSUES, STIPULATION OR OTHER MATTERS

The Court Ordered cut off for plaintiff to supply damages expert's reports was July 23, 2003. On July 22, 2003 plaintiff's counsel identified two (2) new damages experts, Dr. Deborah Franklin and Dr. Keith Robinson. However, no records, expert reports or curriculum vitae from either physician were supplied with the letter, and same has not been supplied to date. The defendant objects to any expert testimony on the part of either Dr. Franklin or Dr. Robinson.

Respectfully submitted,

By:

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CERTIFICATION OF SERVICE

TO THE PROTHONOTARY:

I do hereby certify that service of a true and correct copy of the Pre-Trial Memorandum of Defendant was made on the 3rd day of November, 2003, to the party listed below by regular United States Mail, postage pre-paid, and certified mail, return receipt requested.

Andrew J. Stern, Esquire
The Beasley Firm
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Philadelphia, PA 19107

Respectfully submitted,

By:

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